

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

RUSSELL FARMER,)	
)	
Plaintiff,)	
)	
vs.)	Court No.
)	
GRAND TRUNK WESTERN RAILROAD COMPANY,)	
)	
Defendant.)	

COMPLAINT AT LAW

NOW COMES, plaintiff, RUSSELL FARMER, by and through his attorney, George Bruggess of COGAN & POWER, P.C., and complaining of defendant, GRAND TRUNK WESTERN RAILROAD COMPANY, and brings this cause of action under the Federal Employers' Liability Act 45 U.S.C. § 51, *et seq.* ("FELA") for the personal injuries and other damages that he sustained on April 2, 2021. In support thereof, the plaintiff respectfully states:

1. On April 2, 2021, the defendant, GRAND TRUNK WESTERN RAILROAD COMPANY (hereinafter referred to as "GRAND TRUNK") was a railroad corporation, operating and doing business in the States of Illinois and Michigan.

2. On April 2, 2021, defendant, GRAND TRUNK was doing business as a common carrier for hire, engaged in interstate commerce by rail in various states of the United States, including the States of Illinois and Michigan.

3. On April 2, 2021, the plaintiff, RUSSELL FARMER, was employed by GRAND TRUNK as a Conductor.

4. On April 2, 2021, RUSSELL FARMER was working in Battle Creek Yard owned and operated by GRAND TRUNK.

5. On April 2, 2021, RUSSELL FARMER sustained personal injuries while performing his assigned duties as a Conductor for GRAND TRUNK, including amputation of his leg below the knee.

6. At the time and place aforesaid, GRAND TRUNK was a railroad employer, engaged in interstate commerce by rail, and was subject to and governed by the Federal Employers' Liability Act, Title 45 U.S.C. §§ 51-60 ("FELA").

7. Subject matter jurisdiction for plaintiff's injury claim against GRAND TRUNK exists in this Court under the FELA, which vests jurisdiction in state and federal courts for injuries sustained by railroad employees engaged in interstate commerce. 45 USC §51; 45 USC §56 and 28 USC §1331.

8. Venue for this claim exists in the United States District Court for the Northern District of Illinois, pursuant to 28 USC §1391(b). GRAND TRUNK is part of the CANADIAN NATIONAL RAILROAD family of railroad companies with its headquarters in Homewood, Cook County, Illinois.

9. Defendant GRAND TRUNK, notwithstanding its duties to plaintiff, was careless and negligent in failing to exercise ordinary care to furnish plaintiff with a reasonably safe place in which to work and thereby contributed in whole or in part to cause injuries to plaintiff.

10. At the time and place aforesaid, the plaintiff, RUSSELL FARMER sustained injuries of a personal and pecuniary nature, and sustained other recoverable damages supported by the evidence and permitted by law, all resulting, in whole or in part, from one or more violations by GRAND TRUNK of the Federal Employers' Liability Act.

11. At the time and place of RUSSELL FARMER'S injuries, he was assigned to work adjacent to a railroad track in the yard; at that location there had been severe disruption of the walking surface along the track, including large rocks, holes, other irregularities and debris.

12. At the time and place of RUSSELL FARMER'S injuries, the walking surface was unsafe; the walking surface had not been inspected with care for unsafe conditions; the walking surface had not been maintained in a safe condition; and the failure of GRAND TRUNK to inspect and maintain the walking surface in its yard in a safe condition was a cause in whole or in part of RUSSELL FARMER'S injuries.

13. GRAND TRUNK violated 49 CFR Part 213, Federal Track Safety Standards, in that the ballast was in such poor condition that it did not properly support the track structure, and did not provide drainage; additionally the GRAND TRUNK permitted vegetation to grow that interfered with work adjacent to the track; and the railroad did not perform the inspections required by the regulations with proper care to discover the many defects in and near the track; all of which were a cause in whole or in part of RUSSELL FARMER'S injuries.

14. As a result of GRAND TRUNK'S failure to inspect and maintain the walkway adjacent to the track, and GRAND TRUNK'S violation of the Federal Track Safety Standards, and the unsafe condition of the walkway adjacent to the railroad tracks, RUSSELL FARMER fell while walking along the track and his leg was run over by a train moving on the adjacent track resulting in amputation of the leg by the moving train.

15. GRAND TRUNK is strictly liable for RUSSELL FARMER'S injuries, without any claim for contributory negligence, due to the GRAND TRUNK'S violation of federal safety regulations.

16. As a consequence, RUSSELL FARMER incurred injuries which have caused and will continue to cause him great pain, suffering, inconvenience, anguish, and disability; as a further result, RUSSELL FARMER has been and will in the future be kept from attending to his ordinary affairs and duties, and has lost and will lose great gains which he otherwise would have made and acquired; as a further result, RUSSELL FARMER has incurred medical, hospital and related expenses and is reasonably certain to incur further medical, hospital, and related expenses in the future.

WHEREFORE, the plaintiff, RUSSELL FARMER seeks judgment against the GRAND TRUNK WESTERN RAILROAD COMPANY in an amount sufficient to satisfy the jurisdictional limitations of this court, plus whatever additional amount the court and the jury shall deem proper as compensatory damages, plus the costs of this lawsuit and other recoverable damages permitted by law.

Respectfully submitted,

By: /s/ George Brugess
One of plaintiff's attorneys

Cogan & Power, P.C.
George Brugess, #6180097
1 East Wacker Drive, 38th Floor
Chicago, IL 60601
(312)477-2500
(312) 477-2501 Fax
gbrugess@coganpower.com
Attorney for Plaintiff